THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.264 of 2007

DATED: 04.01.2007

Between

1. P.Sudhir Kumar
2. P.Jaya

…Petitioners

And

The Commissioner
Municipal Corporation of Vishakapatnam
Vishakapatnam

…Respondent

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.264 of 2007

ORDER:

The matter is coming up for admission. Sri Ranga Reddy takes notice on behalf of the respondent.

The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent, his subordinates, agents, officials or any person claiming through or under him from interfering with the peaceful construction activity of the petitioners over the schedule property bearing No.50-2-35 admeasuring 86.05 sq. yards in Sy.No.40 situated a t Nakkavanipalem, Gandhinagar of Resapuvanipalem Village, Vishakapatnam, as illegal, arbitrary and unconstitutional and pass such suitable orders.

It is stated that the petitioners are the absolute owners of the property bearing No.50-2-35, admeasuring 86.05 sq. yards in Sy.No.40 situated at Nakkavanipalem, Gandhinagar of Resapuvanipalem Village, Vishakapatnam. The petitioners obtained permission for construction of residential house over the suit schedule property from the respondent. It is further stated that without following any procedure, the respondent officials have been interfering with the peaceful construction activity of the petitioners over the suit schedule property.

Several factual details are narrated at length in para Nos. 4 and 5 of the affidavit, filed in support of the Writ Petition.

In view of the facts and circumstances, this Court is of the considered opinion that the Writ Petition be disposed of directing the respondent not to interfere with the construction activity of the petitioners in relation to the subject matter of the Writ Petition unless and until the procedure is followed.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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(P.S.NARAYANA,J)

Note:
Issue CC today
B/o
vv/dr